



PTO/SB/21 (09-04)

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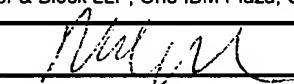
(to be used for all correspondence after initial filing)

Application Number	10/828,705		
Filing Date	April 21, 2004		
First Named Inventor	Zielinski et al.		
Art Unit	2856		
Examiner Name	Rodney T. Frank		
Total Number of Pages in This Submission	6	Attorney Docket Number	37041-11406

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input checked="" type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <input type="checkbox"/> Request for Reconsideration of Petition under 37 CFR 1.47(a); Declaration; Postcard
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Jenner & Block LLP, One IBM Plaza, Chicago, IL 60611		
Signature			
Printed name	Mark P. Vrla		
Date	March 18, 2005	Reg. No.	43,973

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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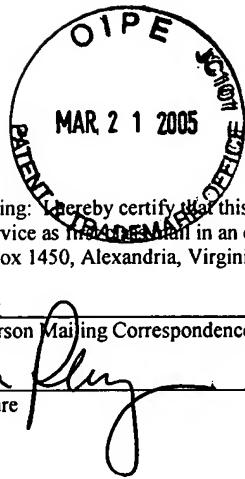
Typed or printed name

Lorraine Perry

Date March 18, 2005

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Attorney Docket No.  
37041-11406

Lorraine Perry  
(Type Name of Person Mailing Correspondence)

  
Signature

March 18, 2005

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zielinski et al. )  
Serial No. 10/828,705 )  
Filed: April 21, 2004 )  
Group Art Unit: 2856 )  
Examiner: Rodney T. Frank )  
Title: Proximity Sensor for Level Sensing )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

Sir:

This paper is responsive to the Decision Refusing Status Under 37 CFR 1.47(a) mailed on January 28, 2005, having a period for response that expires on March 28, 2005.

As suggested by the Senior Petitions Attorney, a further search was conducted for the non-signing inventor, namely, Michael Zielinski. Mr. Zielinski was located as a result of this search, and he subsequently signed a Power of Attorney and Declaration, both of which are enclosed. Accordingly, Applicants respectfully request that they be permitted to continue prosecution of this application.

Respectfully submitted,

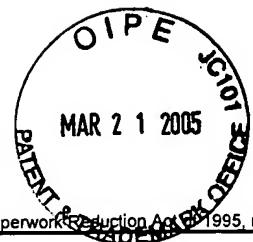


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Mark P. Vrla  
Registration No. 43,973

Dated: March 18, 2005

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One IBM Plaza  
Chicago, IL 60611  
Ph: (312) 923-2657  
fax: (312) 840-7657



PTO/SB/81 (06-04)

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/828,705
Filing Date	April 21, 2004
First Named Inventor	Zielinski et al.
Title	Proximity Sensor for . . .
Art Unit	2856
Examiner Name	
Attorney Docket Number	34814-11406

I hereby appoint:

Practitioners associated with the Customer Number:

02574

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

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<input type="checkbox"/>	Firm or Individual Name				
Address					
Address					
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Country					
Telephone		Fax			

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record (if assignee, put name, title and company name in the "Name" space below)

Name	Michael R. Zielinski	<b>SIGN HERE</b>
Signature	<i>Michael R. Zielinski</i>	
Date	3/16/09	Telephone 734 722 9437

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

MAR 21 2005

PTO/SB/01 (08-03)

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	37041-11406
First Named Inventor	Zielinski et al.
COMPLETE IF KNOWN	
Application Number	10/828,705
Filing Date	April 21, 2004
Art Unit	2856
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Proximity Sensor for Level Sensing

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) April 21, 2004 as United States Application Number or PCT International

Application Number 10/828,705 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? Yes	Certified Copy Attached? No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

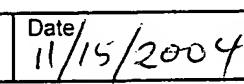
[Page 1 of 2]

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## DECLARATION — Utility or Design Patent Application

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Name <em>(Signature)</em>			
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ZIP <em>(ZIP)</em>			
Country <em>(Country)</em>		Telephone <em>(Telephone)</em>	
		Fax <em>(Fax)</em>	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
<b>NAME OF SOLE OR FIRST INVENTOR:</b> <em>(Signature)</em>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <em>(Given Name)</em>		Family Name or Surname <em>(Family Name)</em>	
Michael R.		Zielinski	
Inventor's Signature 			
Residence: City <em>(Holland)</em>	State <em>(Michigan)</em>	Country <em>(USA)</em>	Citizenship <em>(USA)</em>
Mailing Address <em>(12148 Parkview Lane, SA)</em>			
<em>(6501 Yale Rd, #717)</em> <em>(Westland, MI 48185)</em>			
City <em>(Westland)</em>	State <em>(Michigan)</em>	ZIP <em>(48185)</em>	Country <em>(USA)</em>
<b>NAME OF SECOND INVENTOR:</b> <em>(Signature)</em>			
<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any]) <em>(Given Name)</em>		Family Name or Surname <em>(Family Name)</em>	
Michael Jon		Taylor	
Inventor's Signature 			Date <em>(11/15/2004)</em>
Residence: City <em>(Longmont)</em>	State <em>(Colorado)</em>	Country <em>(USA)</em>	Citizenship <em>(USA)</em>
Mailing Address <em>(717 Hays Circle)</em>			
City <em>(Longmont)</em>	State <em>(Colorado)</em>	ZIP <em>(80501)</em>	Country <em>(USA)</em>
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			